

## **REMARKS**

### **Claim Rejections**

Claims 1-3 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1 and 2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Zapach et al. (5,842,514). Claim 3 is rejected under 35 U.S.C. § 103(a) as being anticipated by Zapach et al. in view of Grisham (2005/0011199).

### **Amendments to Specification**

Applicant has amended the Specification as noted above to removed the reference to Figure 5. It is believed that the foregoing amendments to the Specification overcome the outstanding objections to the drawings. No "new matter" has been added to the original disclosure by the foregoing amendments to the Specification.

### **Drawings**

The Examiner has objected to the drawings under 37 C.F.R. § 1.84(p)(5) insofar as Figure 5, referred to in the Specification, was not included in the Application. Since the reference to Figure 5 was deleted from the Specification, it is not believed that any drawing corrections are necessary.

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, except as discussed above, Applicant must assume that the drawings are acceptable as filed.

### **New Claims**

By this Amendment, Applicant has canceled claims 1-3 and has added new claims 4-9 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a power supply without a cooling fan comprising: a base (1); a circuit board (2) located above the base and having a chip;

a plurality of interior heat sinks (3, 3') located above the circuit board, each of the plurality of interior heat sinks having a plurality of fins; at least one outer heat sink (5) having a plurality of fins; a plurality of heat pipes (4), the at least one outer heat sink is connected to each of the plurality of interior heat sinks by one of the plurality of heat pipes; a panel board (6), the at least one outer heat sink and the panel board are located on a front thereof; an outer decking (7) connected to the base and covering the circuit board, the plurality of interior heat sinks, and a covered portion of the at least one outer heat sink; and a back panel (8) located on a back thereof, wherein heat from the chip is absorbed by the plurality of interior heat sinks and transferred to the at least one outer heat sink by the plurality of heat pipes.

Other embodiments of the present invention include: the at least one outer heat sink has an exposed portion communicating with an exterior of the front; the at least one outer heat sink is located adjacent to the panel board; the plurality of fins of each of the plurality of interior heat sinks and the at least one outer heat sink are extruded aluminum; the outer decking includes two spaced apart sets of heat fins (71, 72); and each of the plurality of fins of each of the plurality of interior heat sinks and the at least one outer heat sink has a penetrating hole (31, 31', 51), an end of one of the plurality of heat pipes is inserted into each penetrating hole.

The primary reference to Zapach et al. teaches an electronic unit having holding elements (18) holding a printed circuit board (20) in a vertical position, a housing (16) covering the holding elements (18) and the printed circuit board (20), two heat pipe means (14) located on an exterior of the housing (16) and having a heat pipe communicating with an exterior of the holding elements (18), and housing parts coving the two heat pipe means (14).

Zapach et al. do not teach a plurality of interior heat sinks located above the circuit board, each of the plurality of interior heat sinks having a plurality of fins; an outer decking connected to the base and covering the circuit board, the plurality of interior heat sinks, and a covered portion of the at least one outer heat sink; the at least one outer heat sink has an exposed portion communicating with an exterior of the front; the at least one outer heat sink is located adjacent to the panel board; nor do Zapach et al. teach each of the plurality of fins of each of the plurality of interior

heat sinks and the at least one outer heat sink has a penetrating hole, an end of one of the plurality of heat pipes is inserted into each penetrating hole.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Zapach et al. do not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Zapach et al. cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

The secondary reference to Grisham et al. teaches a cooling system and is cite for teaching an enclosure (130) having heat sinks (140, 141).

Grisham et al. do not teach a plurality of interior heat sinks located above the circuit board, each of the plurality of interior heat sinks having a plurality of fins; an outer decking connected to the base and covering the circuit board, the plurality of interior heat sinks, and a covered portion of the at least one outer heat sink; the at least one outer heat sink has an exposed portion communicating with an exterior of the front; the at least one outer heat sink is located adjacent to the panel board; nor do Grisham et al. teach each of the plurality of fins of each of the plurality of interior heat sinks and the at least one outer heat sink has a penetrating hole, an end of one of the plurality of heat pipes is inserted into each penetrating hole.

Even if the teachings of Zapach et al. and Grisham et al. were combined, as suggested by the Examiner, the resultant combination does not suggest: a plurality of interior heat sinks located above the circuit board, each of the plurality of interior heat sinks having a plurality of fins; an outer decking connected to the base and covering the circuit board, the plurality of interior heat sinks, and a covered portion of the at least one outer heat sink; the at least one outer heat sink has an exposed portion communicating with an exterior of the front; the at least one outer heat sink is located adjacent to the panel board; nor does the combination suggest each of the plurality of fins of each of the plurality of interior heat sinks and the at least one outer heat sink has a penetrating hole, an end of one of the plurality of heat pipes is inserted into each penetrating hole.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when

resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Zapach et al. or Grisham et al. that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Zapach et al. nor Grisham et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

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**Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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